IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH: NAGPUR
CRIMINAL APPLICATION 1715 OF 2006
[Manik Manohar Borkar ..vs.. Smt. Kiran Rajabhau Doijad]

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CORAM:S.R. DONGAONKAR,J.
DATE :10.8.2007
ORDER

Heard Mr. Daga, Advocate for applicant and Mr. Khajanchi, Advocate for the respondent.

2] With the assistance of the learned counsel for the parties, I have gone through the judgment of the trial Judge. Trial Judge has pointed out at least 8 points on which the complaint had failed. The main aspect to acquit the accused which has been considered by the learned trial Judge is non-service of the notice to him.

3] It is also apparent from the cross examination of the complainant that he has admitted regarding the endorsement on the notices to have been made in collusion with Postman. he has stated “it is true to say that at the time of issuance of two notice she was not residing at Nagbhid. It is true to say that I have written falsely in the complaint that endorsement in the both notices are made in the collusion with the postman.”

4] Apart from this, it does appear that the complainant had failed to call the Bank Officer or the Postman to prove the relevant documents and it was necessary because ex-facie the Bank Manager's and Postal endorsements were not free from doubt.

5] In these circumstances, it is difficult to find fault with the judgment of the learned trial Judge. Hence leave to appeal is rejected.

JUDGE

smp.